

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES A. DEBOW, JR.,  
Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of the  
Social Security Administration,  
Defendant.

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CIVIL ACTION

NO. 05-5168

ORDER

AND NOW, this 20<sup>th</sup> day of September 2006, upon consideration of the parties' cross-motions for summary judgment, and after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, the Commissioner's Objections to the Report and Recommendation, it is hereby ORDERED that:

1. The Report and Recommendation (Doc. No. 20) is APPROVED and ADOPTED.
2. The Plaintiff's Motion for Summary Judgment (Doc. No. 12) is GRANTED to the extent that the matter is remanded for further proceedings.
3. The Defendant's Motion for Summary Judgment (Doc. No. 18) is DENIED.
4. The case is REMANDED to the Commissioner to the Commissioner of the Social Security Administration in accordance with 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.